

Regular Session, 2009

HOUSE BILL NO. 495

BY REPRESENTATIVE DIXON AND SENATOR DORSEY

VETOED
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Veto Message

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT

To amend and reenact R.S. 17:10.5(A)(1), to enact R.S. 17:10.5(F), and to repeal R.S. 17:10.5(F), relative to school and district accountability; to exempt a school that meets specified criteria from being transferred to the Recovery School District; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:10.5(A)(1) is hereby amended and reenacted and R.S. 17:10.5(F) is hereby enacted to read as follows:

§10.5. School and district accountability; failing schools; transfer to Recovery School District; exceptions

A.(1) ~~An~~ Except as provided in Subsection F of this Section, an elementary or secondary school operating under the jurisdiction and direction of any city, parish, or other local public school board or any other public entity which is academically unacceptable under a uniform statewide program of school accountability established pursuant to rules adopted by the State Board of Elementary and Secondary Education under authority of law, referred to in this Section as "the state board", shall be designated as a failed school. When a city, parish, or other local public school board or other public entity: (a) fails to present a plan to reconstitute the failed school to the state board, as required pursuant to such an accountability program, or (b) presents a reconstitution plan that is unacceptable to the state board, or (c) fails at any time to comply with the terms of the reconstitution plan approved by the state board, or (d) the school has been labeled an academically unacceptable school for four consecutive years, the school shall be removed from the jurisdiction of the city, parish, or other local public school board or other public entity and transferred to the

jurisdiction of the Recovery School District established in R.S. 17:1990, provided the state board approves the transfer.

* * *

F. No school shall be removed from the jurisdiction of a city, parish, or other local public school board or other public entity and transferred to the jurisdiction of the Recovery School District if such school meets all of the following criteria:

(1) The school is a high school located in any parish having a population between one hundred twenty thousand and one hundred forty-five thousand persons according to the latest federal decennial census.

(2) According to the 2007-2008 Louisiana School Directory published by the state Department of Education, the total number of students enrolled in the school was three hundred thirteen.

(3) In August 2008, the school received a label of "academically unacceptable" for the fourth consecutive year pursuant to the school and district accountability system.

(4) In February 2009, the school was approved by the State Board of Elementary and Secondary Education to remain under the jurisdiction of and be operated by the local school board pursuant to a memorandum of understanding between the state Department of Education and the local school board.

(5) The school had a school performance score of twenty-two point four in 2008 pursuant to the school and district accountability system.

Section 2. R.S. 17:10.5(A)(1) is hereby amended and reenacted to read as follows:

§10.5. School and district accountability; failing schools; transfer to Recovery School District; ~~exceptions~~

A.(1) ~~An Except as provided in Subsection F of this Section,~~ an elementary or secondary school operating under the jurisdiction and direction of any city, parish, or other local public school board or any other public entity which is academically unacceptable under a uniform statewide program of school accountability established pursuant to rules adopted by the State Board of Elementary and Secondary Education under authority of law, referred to in this Section as "the state board", shall be

1 designated as a failed school. When a city, parish, or other local public school board
2 or other public entity: (a) fails to present a plan to reconstitute the failed school to
3 the state board, as required pursuant to such an accountability program, or (b)
4 presents a reconstitution plan that is unacceptable to the state board, or (c) fails at
5 any time to comply with the terms of the reconstitution plan approved by the state
6 board, or (d) the school has been labeled an academically unacceptable school for
7 four consecutive years, the school shall be removed from the jurisdiction of the city,
8 parish, or other local public school board or other public entity and transferred to the
9 jurisdiction of the Recovery School District established in R.S. 17:1990, provided
10 the state board approves the transfer.

11 * * *

12 Section 3. R.S. 17:10.5(F) is hereby repealed in its entirety.

13 Section 4.(A) This Section and Section 1 of this Act shall become effective on June
14 25, 2009; if this Act is vetoed by the governor and subsequently approved by the legislature,
15 this Section and Section 1 of this Act shall become effective on June 25, 2009, or on the day
16 following such approval by the legislature, whichever is later.

17 (B) Sections 2 and 3 of this Act shall become effective on July 1, 2010, unless prior
18 to that date this Subsection is modified to provide otherwise or repealed.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

VETO MESSAGE

House Bill No. 495 exempts the Ewell S. Aiken Optional School in Rapides Parish from the school accountability laws that require academically unacceptable schools transferred to the jurisdiction of the Recovery School District. While I understand that local and unique factors should be considered, I am concerned that allowing individual districts to opt-out legislatively would weaken the RSD program and undermine our State's commitment to greater accountability. Further, I understand that the Superintendant of Education is working on an agreement with the district to address the issues at the Aiken school.

For these reasons, I have vetoed House Bill No. 495 and hereby return it to the House of Representatives.